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Human Rights Committee

Concluding observations on the second periodic report of Namibia

Addendum

Information received from Namibia on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Non-Discrimination: No. 9 & 10

1. **10 (a):** For the past 10 years, the Law Reform and Development Commission (LRDC) has conducted research to reform the marriage and inheritance laws in the country. Following the LRDC's recommendations, Bills on the civil marriages, intestate successions and the customary marriages have been drafted and submitted to the Minister of Justice. Extensive consultations on customary marriages and intestate succession Bills were held with traditional leaders and local communities in 2016. These Bills will repeal the obsolete laws remaining from the apartheid era, laws including the Native Administration Proclamation 15 of 1928.

2. **10 (b):** The State party reiterate that Namibian law do not discriminate against any person. It is our submission that Article 10 of the Constitution guarantees equality and freedom from discrimination and prohibits discrimination on the grounds of sex, race, ethnic origin, religion, creed or social or economic status. In addition to the constitutional provisions, the Government has enacted legislation to address racial discrimination and promote equality, notably the Racial Discrimination Prohibition Act No. 26 of 1991, Affirmative Action (Employment) Act No. 29 of 1998 read in conjunction of the Labour Act No. 11 of 2007. Therefore, in terms of our laws it is very clear that the LGBT people are not discriminated or rejected by the Government because of their sexual preferences.

3. Furthermore, the Government adopted its first National Human Rights Action Plan (NHRAP) for the period 2015 to 2019 and mandated the Ombudsman to oversee and monitor the implementation of this Plan. The specific objectives under this Plan include enhancing affirmation of the rights of people with disabilities, indigenous peoples, women and LGBTIs; having information on the extent to which human rights of people with disabilities, indigenous peoples, women and LGBTI's were infringed upon; intensifying education and raising awareness; and implementation of legal and regulatory reforms that will give effect to non-discriminatory provisions in various international and regional instruments.

Prohibition of torture and ill-treatment: no. 21& 22

4. A Bill to criminalize torture will soon be tabled in parliament. The Bill define torture in line with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. Namibian Police Force established an Internal Investigation Directorate (IID) consisting of Investigators who have specific skills to investigate all acts of torture and ill treatment committed by members of the Police Force. In addition, the Office of the Ombudsman also monitors and investigates all cases of torture and ill treatment committed by State agents.

Torture, violence and sexual violence against women and right to life: no. 23 & 24

6. The Government in collaboration with the Legal Assistance Centre (LAC) has conducted educational and awareness raising campaigns involving traditional leaders and other stakeholders which started in 2008 until 2010 and covered all the regions in the country. Traditional leaders are trained and sensitized on gender related laws. The Government has committed itself to eliminate all forms of GBV as manifested in the National Gender Policy (2010–2020) as well as the National Plan of Action on Gender-Based Violence (2012–2016), providing for overall guidance to various stakeholders to integrate a gender perspective in their programming processes as well as provide a mechanism that guides various stakeholders to improve prevention as a response to GBV.

7. The Parliament of Namibia, in 2017, enacted the Witness Protection Act, No. 11 of 2017 and the Whistleblower Protection Act, No.10 of 2017 respectively. The Acts now ensure that adequate legal measures are in place to protect witnesses.

8. Training is provided yearly for police officers, prison guards, and armed forces on human rights issues, including how to act in cases of domestic violence or trafficking in persons, as well as the awareness raising campaigns on gender-based violence.

9. The Ministry of Justice initiated a project on the training of Magistrates to increase the Magistrates in the country. In 2014, 84 magistrate positions were filled across the country; in 2015, 98 magistrate positions were filled across the country and in 2016, 92 magistrate positions were filled across the country. During 2015, The Magistrates Commission approved a structure to increase the number of magistrate's across the country.

10. During 2014–2016, 21 magistrates and social workers were trained on gender-based violence .The objective of the training was to instill knowledge on the procedure and law contained in the Combating of Domestic Violence Act, Act No. 4 of 2003 to ensure that the presiding officers are conversant on the granting of protection orders and the adjudication of GBV disputes in their courts.

11. During 2015, a Training Manual for Police Officers on the Prevention of Torture was developed and used in the training of police officers concerning the prohibition of torture. The Namibian Police have a Gender based Violence Unit which consists of highly trained police officers who lead investigations into sexual, gender based violence and domestic related crimes. During 2014 five (5) members were trained in the Republic of Botswana, Gaborone on Sex crimes and crime scene investigations at the International Law Enforcement Academy (ILEA). In 2016 seven (7) members were trained and in 2016 six (6) members were trained in Hungary, Budapest. In 2015 twenty-one (21) police officers (12 females and 9 males) were trained in Domestic violence against women and children.